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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,769	02/06/2004	Masanori Hashimoto	FUJY 20.954	5602
26304 7590 11/27/2007 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			EXAMINER CHO, HONG SOL	
			ART UNIT 2619	PAPER NUMBER
			MAIL DATE 11/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/773,769

Applicant(s)

HASHIMOTO, MASANORI

Examiner

Hong Cho

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 6-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on 10/22/2007. Claims 1-22 are pending in the instant application.

Claim Rejections - 35 USC § 112, First paragraph

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 6, 11 and 16 are rejected under 35 U.S.C. 112, first paragraph, as a single means claim.

Re claims 6, 11 and 16, they are subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. For example, claim 6 recites a bridge node and some of the functions of the bridge node but nothing else. See MPEP 2164.08(a) and *In re Hyatt*, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983).

Claims 7-10, 12-15 and 17-20 depend on claims 6, 11 and 16, respectively, are similarly rejected.

Claim Rejections - 35 USC § 112 Second Paragraph

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 6, 11 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 6, 11 and 16, claims are vague and indefinite in that the preamble, transition phrase and body of the claim are not clearly defined.

Claims 7-10, 12-15 and 17-20 depend on claims 6, 11 and 16, respectively, are similarly rejected.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over “802.17 Frame Structure and Bridging Ad-Hoc Support” by Marc Holness et al, hereinafter referred to as Holness, in view of Christensen et al (US 5349583), hereinafter referred to as Christensen.

Re claim 11, Holness discloses a node S1 (*a station node*) located on the ringlets transmitting and receiving 802.3 frame (*MAC frame*) and nodes S2, S4 and S5 (*bridge nodes*) comprising a ring network (slide 11) (*a station node connected, together with a plurality of bridge nodes forwarding a media access control (MAC) frame, to one or more ringlets constructing a resilient packet ring (RPR) network*). Holness discloses nodes S2, S4 and S5 transmitting a RPR frame, into which the MAC frame is encapsulated, with a MAC destination address set for an end station MAC address (*transmits a RPR MAC frame into which the MAC frame is encapsulated in such a state that the bridge node can capture the RPR MAC frame to a station accommodated to a bridge node, where a MAC address of the other station node is set for a destination MAC address*, slides 12 and 13), but fails to disclose a station node transmitting a RPR MAC frame. Christensen discloses a workstation encapsulating a frame with a header and trailer (column 6, lines 51-53). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the node of Holness by adding to it the feature of encapsulation as suggested by Christensen so that a bridge node would just pass a frame without performing encapsulation on the received frame for the benefit of increasing processing speed for a given frame.

Allowable Subject Matter

8. Claims 1-5, 21 and 22 are allowable.

Response to Arguments

9. Applicant's arguments filed on 10/22/2007 have been fully considered but they are not persuasive.

On page 16 of the Remarks the Applicant argues that Holness does not disclose a node located in one or more ringlets constructing a RPR network. The Examiner respectfully disagrees. Holness discloses a node S1 located on the ringlets transmitting and receiving 802.3 frames (*MAC frame*) and nodes S2, S4 and S5 (*bridge nodes*) comprising a ring network. The Examiner concludes that the rejection of the claim stands.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087. The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


11/26/07
WING CHAN
SUPERVISORY PATENT EXAMINER

Hong Cho
Patent Examiner
11/15/07